

The amendments to the claims are to expedite the prosecution by eliminating prolonged arguments over matters that are not of concern to our client regarding the patent application and are not directed to the patentability of the claims. They should therefore have no effect on the application of the doctrine of equivalents to the newly amended claim.

Claim Rejections - 35 U.S.C. Section 112, second paragraph

Claims 1-35 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claims the subject matter which Applicant regards as the invention.

Applicants would like to direct the Examiner's attention to the fact that Claims 1-18 were cancelled in the Response to the Official Action of May 29, 2001.

Amendments to the claims have been made addressing the issues raised by the Examiner. In particular, the ratio of hydrophobic to hydrophilic groups in Claim 18 has been defined as a molar ratio. As stated on page 5, lines 17-24 of the specification of the present invention, in one embodiment of the invention, the one or more monomers of the present invention have the general formula $\text{CH}_2=\text{CH}-\text{R}_1-\text{R}_2-\text{R}_3$ wherein R_1 and R_3 are hydrophobic groups that may be either one or a combination of amide, ester, sulfonic acid, carboxylic acid and hydroxyl functional groups, and R_2 may be a hydrophobic group chosen from one or a combination of primary, secondary or tertiary aliphatic saturated or unsaturated hydrocarbons, aromatic hydrocarbons, or cycloaliphatic hydrocarbons selected from acrylamide or their derivatives.

Furthermore, the one or more monomers have been defined as comprising multi-functional monomers.

The present set of claims are believed to be sufficiently definite to satisfy the dictates of 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 U.S.C. 102(b) and 103(a)

Claims 18, 19, 24-37 and 43 were rejected under 35 U.S.C. 102(b) as being anticipated, or in the alternative, under 35 U.S.C. 103(a) as obvious over Mertens et al (U.S. Patent No. 5,408,019) in combination with Applicant's admission of the prior art.

The polymeric absorbant of the present invention is prepared *in situ* by polymerizing selected monomers which contain hydrophobic and hydrophilic functional groups, having a molar ratio of hydrophobic to hydrophilic groups of 1.0:0.1. There is a need to have a proper balance between the hydrophobic and hydrophilic group in order to achieve the advantages of the present invention.

The Examiner incorrectly relies on Example 13 of Table III of the Mertens et al. reference to describe the ratio of hydrophobic to hydrophilic groups as defined in the present invention, see col. 6 of Mertens et al. (U.S. Patent No. 5,408,019). The ratio described in Table III is of the reactants, acrylic acid and AMPS, whereas the ratio described in the present invention is the hydrophilic and hydrophobic substituents on the monomer of the present invention. Therefore, the present invention is not anticipated by Mertens et al.

The Examiner admits that Mertens et al. does not describe the step of swelling a polymer in alcohol to obtain a polymeric absorbent. The Examiner relies on Applicants own admission on pages 2 and 3 of the specification of the present invention which states that it is conventional to swell the absorbent polymers in alcohol and also refers to the Examples in Wesley et al. (U.S. Patent No. 5,641,890).

One skilled in the art at the time of the invention would not look to the teachings of Wesley et al. to swell the polymeric absorbant of the present invention because Wesley et al. does not teach or suggest preparing a polymeric absorbant *in situ* by polymerizing selected monomers which contain hydrophobic and hydrophilic functional groups. Wesley et al. is only concerned with reacting a commercial polymer with an alcohol and the teachings of swelling the polymer in alcohol as taught by the Examples of Wesley et al. would not relate to the present invention.

Therefore, one skilled in the art would not have found it obvious at the time the invention was made to swell the resulting polymer of Martens et al in alcohol as done by Wesley et al. to obtain the absorbing gel of the present invention.

Claims 18-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wesley (U.S. Patent No. 5,641,890).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art, *In re Royka*, 490 F.2d 981, USPQ 580 (CCPA 1974).

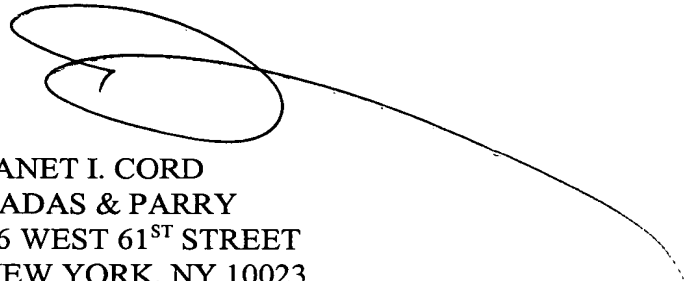
The Examiner admits that the Wesley et al. reference is silent about the ratio of hydrophobic and hydrophilic groups in a polymer being 1.0:0.1, see page 6 of the Official Action.

The claim limitation of the monomer containing a hydrophobic group and hydrophilic groups in a molar ratio of hydrophobic to hydrophilic groups of 1.0:0.1 is not

taught or suggested by Wesley et al.. Therefore, the present invention is nonobvious in light of Wesley et al..

In light of the above, Applicants submit that all rejections of record have been overcome. Applicants accordingly submit that the application is now in condition for allowance and respectfully request action in accordance therewith.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

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18. (Amended) A process for the preparation of a polymeric absorbent useful for gelling organic liquids consisting essentially of:

a) mixing one or more monomers comprising multi-functional monomers, wherein the monomer contains a hydrophobic group and hydrophilic groups in a molar ratio of hydrophobic to hydrophilic groups of 1.0:0.1, with a cross linking agent and a free radical initiator;

b) subjecting the mixture to polymerization;

c) removing the polymer;

d) crushing the polymer to obtain a polymer powder;

e) washing with a solvent;

f) drying the polymer to remove unreacted monomers;

and

swelling the polymer in an alcohol to obtain the polymeric absorbant.